

U.S. Patent Application No. 10/027,006.  
Reply to Office Action of November 27, 2006

Docket No.: M1912.0025

**REMARKS**

Claims 1 to 55 are pending in this case. Claims 3-13, 16-31, 34-37, 43-47, and 51-55 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims. Claims 40-41 and 48-49 have been rejected under 35 U.S.C. § 102(b) over Bhagwat (U.S. Patent No. 5,941,988). Claims 1, 14, and 26 have been rejected under § 103(a) over Bhagwat in view of Oyama (U.S. Patent No. 6,108,329). Claims 2, 15, 32, and 38-39 have been rejected under § 103(a) over Bhagwat in view of Oyama further in view of Hayashi (U.S. Patent No. 6,598,071). Claims 42 and 50 have been rejected under § 103(a) over Bhagwat in view of admitted prior art in the specification. By this Response, applicant respectfully requests reconsideration of the subject application in view of the following remarks.

Claims 3-13, 16-31, 34-37, 43-47, and 51-55 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims. Applicant thanks the Examiner for kindly indicating the allowability of the above claims, but defers rewriting these claims until final resolution of the rejected claims.

In paragraph 2 of the Office Action, claims 40-41 and 48-49 have been rejected under § 102(b) over Bhagwat. This rejection is respectfully traversed.

Independent claim 40 requires that "from the time of relay of a data acquisition request from said client by said switching apparatus until the end of transmission of an acknowledgement packet to be transmitted to said client, said server transmits said packet to the client by **one-way splicing**." The cited portions of Bhagwat do not teach the above features in independent claim 40.

Applicant respectfully disagrees with the conclusion set forth in the Office Action that the "TCP connection [in Bhagwat] is single ended connection (one-way splicing) per col. 3 line 40." Bhagwat discloses that "the concept of taking two already established transport layer sessions and transforming them into a **single end-to-end connection** by suitably modifying packet headers can be applied to all packet based communication network protocols" (col. 3, ll. 38-42). The above cited portions in Bhagwat merely teach replacing a

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two-layer connection with one single connection. There is no teaching or suggestion in the such cited portions of a **one-way splicing**, much less that from server to client or that performed during the time period as required in independent claim 40. Bhagwat thus does not teach the **one-way splicing** as is required in independent claim 40.

The above cited portions in Bhagwat in fact teach no more than what applicant described in the "Background of the Invention" of the subject application. For example, on page 5, lines 1-10 of the specification, applicant described a conventional splicing operation. In such conventional splicing operation, two transport layers are connected into one, causing the server and the client to conduct retransmission and flow control of the transport layers. In doing so, the switching apparatus is no longer needed for conducting retransmission and flow control regarding the connection in question, thereby preventing the switching apparatus from conducting termination process, such as retransmission and flow control (see also description of "conventional techniques" on page 33, lines 18-25 of the specification).

In contrast, independent claim 40 requires a **one-way splicing**, which is conducted only for communication directed from the server to the client in which a large volume of data is frequently transferred (see, page 33, lines 11-14 of the specification as filed). Accordingly, the server and the client conduct retransmission and flow control only when communication flows from the server to the client (see, page 33, line 25 to page 34, line 5 of the specification as filed). Therefore, independent claim 40 patentably distinguishes over Bhagwat.

Similar to claim 40, independent claim 48 requires that "from the time of relay of a data acquisition request to said server by said switching apparatus until the end of transmission of an acknowledgement packet to be received from said server, said client receives said packet from the server by **one-way splicing**." Therefore, for similar reasons stated above in connection with claim 40, independent claim 48 also patentably distinguishes over Bhagwat.

In light of the above, the subject rejection of claims 40-41 and 48-49 has been overcome.

In paragraph 4 of the Office Action, claims 1, 14, and 26 have been rejected under §103(a) over Bhagwat in view of Oyama. This rejection is respectfully traversed.

Similar to claim 40, independent claims 1, 14, and 26 each require a **one-way splicing** from the server to the client, which is conducted from the time of relaying a data

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acquisition request from the client till the end of transmission of an acknowledgement packet from the server to the client. Because Oyama is cited against additional features in independent claims 1, 14, and 26, each of independent claims 1, 14, and 26 also patentably distinguishes over Bhagwat for at least similar reasons stated above in connection with claim 40. Accordingly, the subject rejection has been overcome.

In paragraph 5 of the Office Action, claims 2, 15, 32, and 38-39 have been rejected under § 103(a) over Bhagwat in view of Oyama further in view of Hayashi. This rejection is respectfully traversed.

Claims 2 and 15 depend from independent claims 1 and 14, respectively, and recite additional features. Because Oyama and Hayashi are cited against additional features in claims 2 and 15, claims 2 and 15 are believed to be allowable for at least the same reasons that claims 1 and 14 are allowable. Accordingly, the subject rejection with respect to claims 2 and 15 has been overcome.

Independent claims 32 and 38-39 each require a one-way splicing from the server and/or to the client, which is conducted from the time of relaying a data acquisition request from the client or to the server till the end of transmission of an acknowledgement packet from the server and/or to the client. Because Oyama and Hayashi are cited against additional features in independent claims 32 and 38-39, each of independent claims 32 and 38-39 is allowable over Bhagwat for at least the same reasons that claim 40 is allowable. Accordingly, the subject rejection with respect to claims 32 and 38-39 has been overcome.

In paragraph 6 of the Office Action, claims 42 and 50 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Bhagwat in view of admitted prior art in the specification. This rejection is respectfully traversed.

Claims 42 and 50 depend from one of independent claims 40 and 48 and recite additional features. Because applicant's specification is cited against additional features in claims 42 and 50, claims 42 and 50 are believed to be allowable for at least the same reasons claims 40 and 48 are allowable. Accordingly, the subject rejection has been overcome.

Applicants have shown that, in addition to claims 3-13, 16-31, 34-37, 43-47, and 51-55, claims 1-2, 14-15, 32-33, 38-42, and 48-50 are also patentable over the cited art and hereby respectfully request that the rejections of these claims be withdrawn. Each of the

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pending claims in this patent application is believed to be in immediate condition for allowance and such action is earnestly solicited.

Respectfully submitted,

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